

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - S/S of Sparks Road, 2000' W of the c/l of Carroll Road (1703 Sparks Road) 10th Election District 3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-253-SPHA

Myron D. Brenner, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing and a Petition for Zoning Variance filed by the owners of the subject property, Myron D. Brenner and his wife, Diane C. Pomerantz, by and through their attorney, Arnold Fleischmann, Esquire. The Petition as filed requests a special hearing to approve an amendment to the previously approved site plan in Case No. 91-219-SPH to permit the expansion of an existing dwelling and the construction of accessory structures on Tract "A" of the Subdivision of Lot 23 of Mission Ridge" and to amend the previously approved 1st Amended Development Plan of Mission Ridge to remove Restriction No. 1 from Tract "A", in accordance with Petitioner's Exhibit 1. The Petition also requests variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 400.1 to permit accessory structures in the front and side yards in lieu of the required rear yard; from Section 400.3 to permit an accessory structure with a height of 26 feet in lieu of the maximum permitted 15 feet; from Section 1A03.4.B.4 to permit front and side yard setbacks of 0 feet each in lieu of the required 50 feet, for a principal building in an R.C. 4 zone; and from Section 1A01.3.B.3 to permit front and side yard setbacks of 0 feet in lieu of the required 35 feet for a principal building in an R.C. 2 zone, all as more particularly described on Petitioner's Exhibit 1.

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Date 3/30/93
By [Signature]

Appearing on behalf of the Petitions were Myron Brenner, M.D. and Diane Pomerantz, Ph.D., property owners. Also appearing on behalf of the Petitioners were Wesley D. Burton, Architect, and Douglas L. Kennedy, Engineer. Appearing as Protestants in the matter were numerous residents of the area, for whom Bob Kilker and Janet West testified. J. Martin McDonough, Jr. appeared as an interested party, as did Tom Pittman, who was represented by Howard L. Alderman, Jr., Esquire.

At the onset of the hearing, the Petitioners requested an amendment to their Petition for Zoning Variance. Specifically, the Petitioners no longer seek a variance from Section 400.1 of the B.C.Z.R. to permit an accessory structure in the front yard. Furthermore, the Petitioners no longer seek a variance from Section 400.3 of the B.C.Z.R. to permit an accessory structure height of 26 feet in lieu of the maximum permitted 15 feet. The Petition was amended accordingly and the hearing proceeded.

Testimony indicated that the subject property, known as 1703 Sparks Road, consists of 6.53 acres, more or less, split zoned R.C. 2 and R.C. 4 and is improved with a two-story single family dwelling, four accessory structures, and a large gravel parking area. Said property was the subject of prior Case No. 91-219-SPH in which the Petitioners were granted approval to amend the 1st Amended Development Plan for Lot 23 of Mission Ridge to create two lots as a result of a reclassification on April 4, 1991. The Petitioners now seek to amend the 1st Amended Development plan in order to construct the proposed improvements. The property consists of two parcels, Parcel One of which contains 3.001 acres, and Parcel Two which contains 2.940 acres. Diane Pomerantz testified that she and her husband purchased Parcel One, which contains the existing improvements but for a small portion of the parking area, in 1985. In June, 1992, the

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By [Signature]

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Petitioners purchased adjoining Parcel Two, which is known as Tract "A" of the Subdivision of Lot 23 of Mission Ridge. The two parcels combined comprise a total area of 6.53 acres. Pursuant to the Final Development Plan of the Subdivision of Lot 23 for Mission Ridge, Tract "A" was restricted from development of any kind. The Petitioners are desirous of constructing a very large addition on the north side of the existing dwelling and realigning the existing gravel parking area in accordance with Petitioner's Exhibit 1. However, the size and location of the proposed addition to the dwelling will result in it encroaching into Parcel Two (Tract A), thereby necessitating the requested variances of 0 feet and the special hearing to amend the restrictions which govern Tract "A". Inasmuch as the setback variance is being requested from property which the Petitioner's own themselves, the requested variance should be granted. The Petitioners testified that they originally purchased Tract "A" in the hopes of adding a buffer to their dwelling. I see no reason why the Petitioners should not be permitted to add onto their existing dwelling in the manner depicted on Petitioner's Exhibit 1.

The Petitioners also requested a variance to permit an existing accessory structure to be located in the side yard. Testimony indicated that said structure is used by the Petitioners as office space. According to the testimony presented by the Petitioners, Dr. Pomerantz sees patients at her home office approximately four days a week, while Dr. Brenner, who has an office in Rockville, only occasionally sees patients at his home. Dr. Pomerantz testified that the subject accessory structure was constructed in 1985 and that the Petitioners have been seeing patients in this building ever since.

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By [Signature]

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An issue was raised by Bob Kilker, a nearby resident, as to the legality of maintaining a professional office in the subject accessory structure. Professional offices of psychiatrists are permitted as of right in an R.C. 2 zone. However, those professional offices must be contained within the same building as that serving as the professional person's primary residence, cannot occupy more than 25% of the total floor area of that residence, and cannot involve the employment of more than one non-resident employee. It is clear that the Petitioners do not satisfy the conditions imposed upon a professional office in an R.C. 2 zone. This was also corroborated by the testimony of Douglas Kennedy, the Petitioner's engineer. Simply stated, the Petitioners are not permitted to operate professional offices within the accessory structure. Any professional office must be contained within the dwelling, and the Petitioners must satisfy the other requirements previously stated. Therefore, the use of the subject accessory structure for the operation of professional offices must cease immediately, inasmuch as such use is illegal.

The Petitioners also requested a variance to permit said accessory structure to continue to exist in the side yard of their property. The variance requested shall be granted; however, the granting of same shall be contingent upon the Petitioners terminating their use of the building as professional offices. The granting of this variance shall also be contingent upon the Petitioners adhering to and abiding by the restrictions set forth hereinafter. Furthermore, the Petitioners shall not be permitted to connect their dwelling with the accessory structure by a covered passageway in an attempt to cause said accessory structure to become part of their principal dwelling. I find that this would not be in keeping with the spirit and intent of the B.C.Z.R. and should not be permitted.

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By [Signature]

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As previously stated, the proposed addition to the existing dwelling results in it encroaching upon the adjoining parcel, known as Tract A of the Subdivision of Lot 23 of Mission Ridge. The final development plan for that property had certain restrictions listed thereon, one of which mandated that there could be no residential or commercial structures or development on Tract A. This, in effect, prohibits the Petitioners from expanding their residence as proposed unless the relief requested, pursuant to this special hearing, is granted. I am not against the Petitioners constructing the proposed addition in the location shown on Petitioner's Exhibit 1 and believe they should be permitted to do so. Therefore, the relief requested in the special hearing shall be granted in accordance with the 2nd Amended Development Plan for Mission Ridge, prepared by Eugene Raphael, revised March 4, 1993, and identified herein as Citizen's Exhibit 1A. That plan specifically sets aside a small portion of Tract "A" (containing 1,475 sq.ft. of property) upon which the proposed improvements to the existing dwelling may encroach. Furthermore, that plan contains notes which accurately control the use of Tract "A" for the limited purpose of building the addition to the Petitioners' dwelling.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the special hearing and variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of March, 1993 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 91-219-SPH to permit the expansion of the existing dwelling to encroach upon Tract "A" of the Subdivision of Lot 23 of Mission Ridge", and to amend the previously approved 1st Amended Development Plan

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Date 3/30/93
By [Signature]

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of Mission Ridge, in accordance with Citizen's Exhibit 1A, (the 2nd Amended Development Plan of Mission Ridge) which contains the appropriate amended restrictions governing the use of Tract "A", be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 400.1 to permit an accessory structure in the side yard in lieu of the required rear yard; from Section 1A03.4.B.4 to permit front and side yard setbacks of 0 feet each in lieu of the required 50 feet, for a principal building in an R.C. 4 zone; and from Section 1A01.3.B.3 to permit front and side yard setbacks of 0 feet in lieu of the required 35 feet for a principal building in an R.C. 2 zone, in accordance with Citizen's Exhibit 1A, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The relief granted herein is contingent upon the Petitioners abiding by the restrictions contained on Citizen's Exhibit 1A, the 2nd Amended Development Plan for Mission Ridge, which contains the appropriate language governing the use of Tract A. The proposed addition to the Petitioner's dwelling shall be permitted to encroach upon Tract A within the 1,475 sq.ft. area identified as Area B on Citizen's Exhibit 1A.
- 3) There shall be no other residential or commercial structures, or development of any kind, on Tract A but for the 1,475 sq.ft. area set aside pursuant to the special hearing relief granted herein.

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By [Signature]

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- 4) The relief granted herein is contingent upon the Petitioners ceasing the use of the existing accessory structure as professional office space.
- 5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 400.1 of the B.C.Z.R. to permit an accessory structure in the front yard in lieu of the required rear yard, and from Section 400.3 to permit an accessory structure height of 26 feet in lieu of the maximum permitted 15 feet, be and is hereby DISMISSED AS MOOT.

TMK:bjs

Timothy M. Kitzrood
TIMOTHY M. KITZROOD
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 3/30/93
By [Signature]

- 8 -



Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 26, 1993

Arnold Fleischmann, Esquire
408 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Sparks Road, 2,000' W of the c/l of Carroll Road
(1703 Sparks Road)
10th Election District - 3rd Councilmanic District
Myron D. Brenner and Diane C. Pomerantz - Petitioners
Case No. 93-253-SPHA

Dear Mr. Fleischmann:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotrood

TIMOTHY M. KOTROOD
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Bob Kilker
12 Sparks Farm Road, Sparks, Md. 21152

Ms. Janet M. West
13 Sparks Farm Road, Sparks, Md. 21152

Mr. J. Martin McDonough, Jr.
c/o Law Offices of Mark I. Cantor
200 E. Lexington Street, Suite 1111, Baltimore, Md. 21202

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113, Towson, Md. 21204

People's Counsel; fyle



Petition for Special Hearing/ 93-253-SPHA VARIANCE to the Zoning Commissioner of Baltimore County

for the property located at 1703 Sparks Road and
Tract "A", Mission Ridge Subdivision
which is presently zoned R.C. 4

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the amendments and variances described on the attached Exhibit A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lender

(Type or Print Name)

Signature

Address

City

State

Zip Code

Telephone

Attorney for Petitioner

Arnold Fleischmann

(Type or Print Name)

Signature

408 Bosley Avenue (410) 337-7600

Towson, Maryland 21204

City

State

Zip Code

Telephone

Legal Owner(s)

Myron D. Brenner

(Type or Print Name)

Diane C. Pomerantz

(Type or Print Name)

1703 Sparks Road (410) 771-4438

Sparks, Maryland 21152

City

State

Zip Code

Telephone

Estimated Length of Hearing

Next Two Months

Reviewed by

DATE 1-27-93

257

EXHIBIT 'A'
PROPERTY OF

MYRON D. BRENNER and DIANE C. POMERANTZ

SPECIAL HEARING TO: 93-253-SPHA

Amend prior zoning case 91-219-SPH (approval granted April 4, 1991 for an amendment to the previously approved Development Plan for Lot 23 of Mission Ridge as a result of a reclassification of the subject property from R.C.2 to R.C. 4 in the 1988 Comprehensive Zoning Map) to allow expansion of an existing dwelling and construction of accessory structures on Tract 'A' of the "Subdivision of Lot 23 of Mission Ridge" and to amend the previously approved 1st Amended Development Plan of "Mission Ridge" to remove Tract 'A' restriction note #1.

VARIANCES REQUESTED:

- BCZR Section 400.1 to allow accessory structures in the front yard and the side yard in lieu of the rear yard.
- BCZR Section 400.3 to allow construction of an accessory structure to a height of 26 ft. in lieu of the allowed 15 ft.
- BCZR Section 1A03.4.B.4. to allow a front yard and a side yard of 0 ft. in lieu of the required 50 ft. in a R.C.4 zone for a principal building.
- BCZR Section 1A01.3.B.3. to allow a front yard and a side yard of 0 ft. in lieu of the required 35 ft. in a R.C.2 zone for a principal building.

PROPERTY ADDRESS:

1703 Sparks Road, Sparks, Maryland 21152

PROPERTY AREA:

Deed 6835-39, Parcel One, 3.00 ac. 130,680 s.f. Acct.#17-00-005971
Deed 6835-39, Parcel Two, 0.50 ac. 25,700 s.f. Acct.#17-00-005971
Deed 9107-738, Tract 'A', 2.94 ac. 128,070 s.f. Acct.#22-00-008900
Total 6.53 ac. ± 284,450 s.f.

ELECTION DISTRICT: 10 COUNCILMANIC DISTRICT: 3

EXISTING ZONING:

R.C. 2 and R.C. 4
(1988 Comprehensive Zoning Maps N.W. 23-A and 22-A)

dev\92138zn

257

William K. Woody, L.S.

Douglas L. Kennedy, P.E.

KCW Consultants, Inc.

Civil Engineers and Land Surveyors
3104 Timanus Lane, Suite 101 / Baltimore, Maryland 21244

(410) 281-0030 / 281-0033 / Fax (410) 298-0604

January 21, 1993

ZONING DESCRIPTION FOR 1703 SPARKS ROAD
PROPERTY OF MYRON D. BRENNER & DIANE C. POMERANTZ

Election District No. 10 - Councilmanic District No. 3
Baltimore County, Maryland

BEGINNING at a point in the centerline of Sparks Road, right-of-way width unknown, at a distance of 2000 feet, more or less, west of the centerline of Carroll Road, right-of-way width unknown, thence leaving said point of beginning and running the following courses and distances:

- South 17 degrees 42 minutes 25 seconds West 883.10 feet;
- South 18 degrees 00 minutes 27 seconds West 342.09 feet;
- South 17 degrees 42 minutes 25 seconds West 678.88 feet;
- North 72 degrees 17 minutes 35 seconds East 319.00 feet;
- North 17 degrees 42 minutes 25 seconds East 73.00 feet;
- North 75 degrees 41 minutes 40 seconds East 259.82 feet;
- North 18 degrees 00 minutes 27 seconds East 664.38 feet;
- South 80 degrees 28 minutes 50 seconds East 259.82 feet;
- North 17 degrees 27 minutes 33 seconds East 868.60 feet;
- North 79 degrees 09 minutes 53 seconds East 38.45 feet to the place of beginning.

BEING Tract "A" in the subdivision of Lot 23, Plat 1, "Mission Ridge" as recorded in Baltimore County Plat Book 63, Folio 117 and two (2) lots of ground as recorded in Deed Liber 6935 Folio 39, containing 284,534 square feet or 6.532 acres.



257

receipt



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

1/27/93

PUBLIC HEARING FEE:

019 - ZONING VARIANCE FEE:

030 - SPECIAL HEARING FEE:

LAST NAME OF HEARING REFEREE

0440480030NCHRC \$100.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

93-253-SPHA

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 93-253-SPHA

Towson, Maryland

District: 10th Date of Posting: 2/11/93

Posted for: Special Hearing to Varnice

Petitioner: Myron D. Brenner & Diane C. Pomerantz

Location of property: 1703 Sparks Road, Sparks, Md. 21152

Location of Sign: 1703 Sparks Road, Sparks, Md. 21152

Remarks: 10. R.C. 2 & 4

Posted by: [Signature] Date of return: 2/11/93

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/11, 1993

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/11, 1993

THE JEFFERSONIAN,

S. Zeke Orlan

Publisher

\$106.43

receipt



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

1/27/93

PUBLIC HEARING FEE:

019 - ZONING VARIANCE FEE:

030 - SPECIAL HEARING FEE:

LAST NAME OF HEARING REFEREE

0440480030NCHRC \$100.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

93-253-SPHA

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 2/11/93

Myron D. Brenner and Diane C. Pomerantz
1703 Sparks Road
Sparks, Maryland 21152

RE: CASE NUMBER: 93-253-SPHA (Item 257)
S/S Sparks Road, 2000' (+/-), West from c/l of Carroll Road
1703 Sparks Road
10th Election District - 3rd Councilmanic
Legal Owner(s): Myron D. Brenner and Diane C. Pomerantz
HEARING: THURSDAY, MARCH 4, 1993 at 9:30 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$106.43 is due for advertising and posting of the above captioned property and hearing date.
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JAHAN
DIRECTOR

cc: Arnold Fleischmann, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

FEF O 4 1993 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-253-SPHA (Item 257)
S/S Sparks Road, 2000' (+/-), West from c/l of Carroll Road
1703 Sparks Road
10th Election District - 3rd Councilmanic
Legal Owner(s): Myron D. Brenner and Diane C. Pomerantz
HEARING: THURSDAY, MARCH 4, 1993 at 9:30 a.m. in Rm. 118, Old Courthouse.

Special Hearing to amend prior zoning case #91-219-SPH to allow expansion of an existing dwelling and construction of accessory structures on Tract "A" of the "Subdivision of Lot 23 of Mission Ridge" and to amend the previously approved 1st Amended Development Plan of "Mission Ridge" to remove Tract "A" restriction note #1.
Variance to allow accessory structures in the front yard and the side yard in lieu of the rear yard; to allow construction of an accessory structure to a height of 26 feet in lieu of the allowed 15 feet; to allow a front yard and side yard of zero feet in lieu of the required 50 feet in a R.C.4 zone for a principal building; and to allow a front yard and a side yard of zero feet in lieu of the required 35 feet in a R.C. 2 zone for a principal building.

Carl Jahan

ARNOLD JAHAN
Director

cc: Myron D. Brenner and Diane C. Pomerantz
Arnold Fleischmann, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

February 24, 1993

Arnold Fleischmann, Esquire
408 Bosley Avenue
Towson, MD 21204

RE: Case No. 93-253-SPHA, Item No. 257
Petitioner: Myron D. Brenner and
Diane C. Pomerantz
Petition for Special Hearing and Variance

Dear Mr. Fleischmann:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on January 27, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrative

2-12-93

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 257 (JCM)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 410-333-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

DATE: February 17, 1993

SUBJECT: 1703 Sparks Road

INFORMATION:

Item Number: 257

Petitioner: Brenner/Pomerantz

Property Size: 6.53

Zoning: R.C. 4 and R.C. 2

Requested Action: Special Hearing/Variations

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

No opposition is offered to the requested variances and this office does not oppose the granting of the Special Hearing to allow expansion of the existing dwelling and construction of additional accessory structures on Tract "A". Restriction note #1, however, should not be removed altogether. Since proposed construction of the addition to the existing dwelling will result in a portion of the house being located on Tract "A", the removal of language relating to residential development on Tract "A" could reasonably be removed. However, the part of the restriction pertaining to no commercial structures or development should be retained.

The retention of the note in part appears to be important since the need for such an extensive parking area is suspect. Accordingly, the Planning Office recommends that the plan accompanying this request be amended to reveal the intended use of the proposed accessory structures, and provide justification for the construction of a parking area to the extent proposed.

Prepared by: Jeffrey M. Long
Division Chief: Cary L. Kerns

PK/JL:lw

257.ZAC/ZAC1

Pg. 1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: Feb 18, 1993

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: Feb. 8, 1993

There are no comments on item numbers 239, 240, 241, 254, 256, 257, 259, 260, 261, 262, 263, 264, 267 and 268

Rahee J. Famili
Traffic Engineer II

RJF/lvd

RECEIVED
FEB 18 1993
ZONING OFFICE

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

FEBRUARY 18, 1993

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MYRON D. BRENNER AND DIANE C. POMERANTZ
Location: #1703 SPARKS ROAD AND TRACT "A", MISSION
RIDGE SUBDIVISION
Item No.: 257 (JCM) Zoning Agenda: FEBRUARY 8, 1993

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Capt. Jerry Decker Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/REK

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: February 19, 1993

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #257
Brenner Property; Mission Ridge Subdivision, 1703 Sparks Road
Zoning Advisory Committee Meeting of 2-8-93

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

If you have any questions, please contact me at 887-3980.

JLP:SLS:tjl

BRENNER.ZON/TXTSBB

RECEIVED
MAR 4 1993
ZONING COMMISSIONER

GREATER SPARKS-GLENCREE COMMUNITY COUNCIL

Post Office Box 396
Sparks, Maryland 21152

March 2, 1993

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Old Court House
Towson, Maryland 21204

Re: Case 93-253 SPH (1703 Sparks Road, Myron Brenner)

Dear Mr. Schmidt,

The Greater Sparks Glencree Community Council has spoken to the owner of the above property concerning his request for a Special Hearing before the commissioner. The owner indicated that the intent of the Special Hearing is to allow for the expansion of his existing dwelling and construction of an accessory structure (garage) for his use. This would occur on the three properties which he owns including Tract "A" of the Mission Ridge development. The owner also indicated at some later date he intends to unify the three properties under a single deed.

The amended development plan request, as presented, to allow for expansion of the existing dwelling or concerning the accessory structure seem reasonable. What does concern the GSGCC is the elimination of the no commercial portion of the restriction note #1. Since Mission Ridge is an existing development where a large percentage of the build-out is completed, any changes of this nature could have an effect on the other properties in the development. Additionally, any changes resulting from this Special Hearing should not allow for additional density units that are not currently allowed. Please consider these points in your deliberations concerning this case.

GSGCC has notified many of the neighboring property owners with a copy of the hearing notice information.

Sincerely
Paul A. Hupfer
President

RECEIVED
MAR 3 - 1993
ZONING COMMISSIONER

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
* Bob Kilker	12 Sparks Farm Rd
Anna Grunberg	16 Sparks Farm Rd
Paul Grunberg	7 Sparks Farm Rd
Howard Grunberg	11 Sparks Farm Rd
Voc. Conduca	24 Sparks Farm Rd
* Janet M. West	13 Sparks Farm Road

INTERESTED PARTY

* J. MARTIN MEDINEGE (VP) 14936 CARROLL ROAD
C/O LAW OFFICES OF MARK
T. HAYTER
SUITE 401
200 E. LEXINGTON ST.
BALTIMORE, MD 21202

PLEASE PRINT CLEARLY

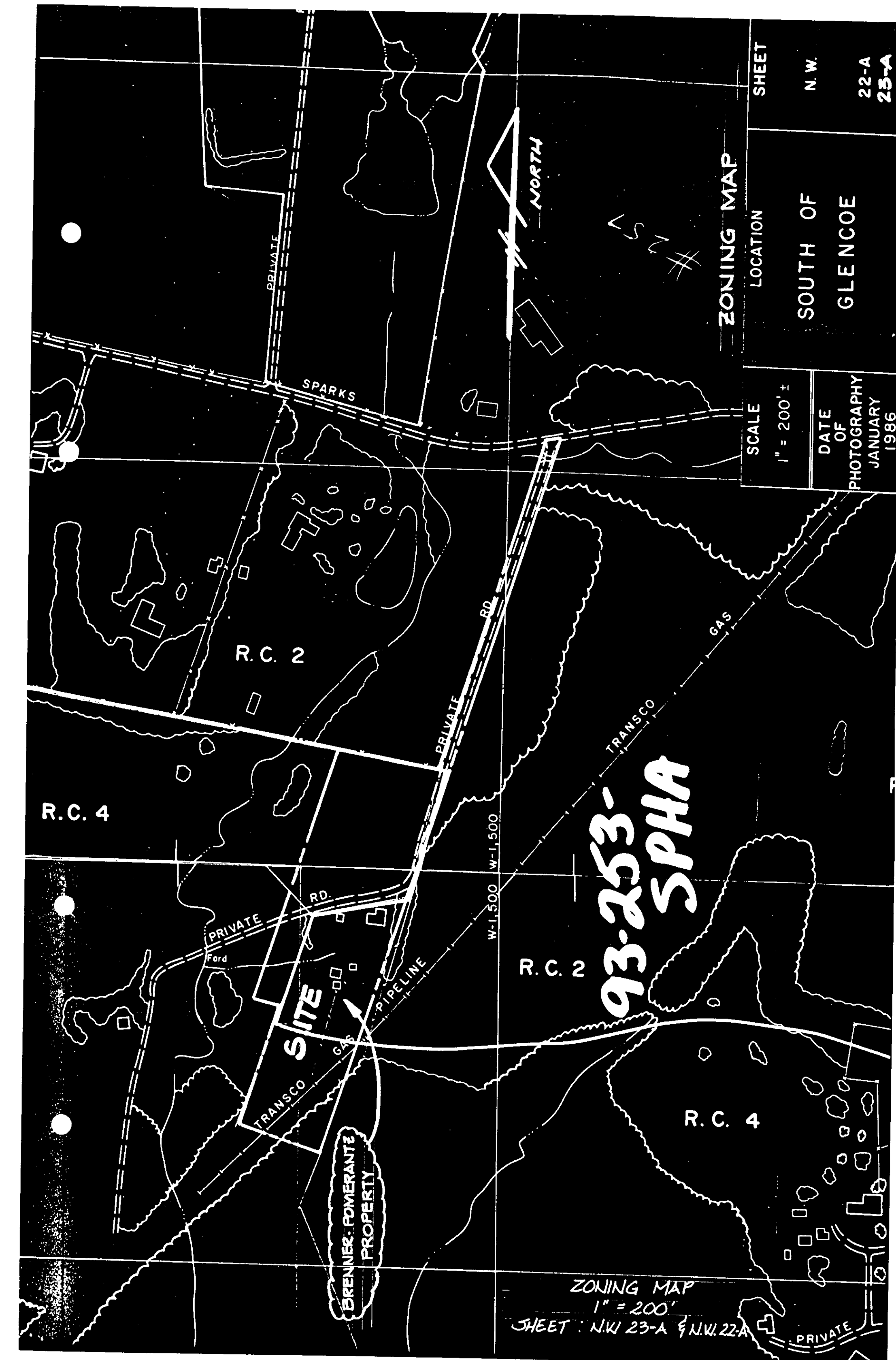
CITIZEN SIGN-IN SHEET

NAME: Jon Pittman ADDRESS: 15722 KIRBY AVE
HUNTSVILLE, MD 21111

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: MYRON BRENNER, MD ADDRESS: 1702 SPARKS RD, SPARKS MD
DIANE POMERANTZ, PHD 1702 SPARKS RD, SPARKS MD
WESLEY D. BURTON, AIA 901 OLD PARCH RD, PARCH, MD 21724
DOUGLAS L. KENNEDY, P.E. 3104 TIMANUS LA., SUITE 101, BALTO, MD 21244



Burton Associates Architects, Inc. 3030 Chestnut Avenue, Suite 101, Baltimore, Maryland 21211 410 889 1172

WESLEY DAVID BURTON, AIA

Education

1978 University of Kentucky, Architectural Systems Technology
1975-77 Towson State University, Evening College Liberal Arts Curriculum
1969-72 Catonsville Community College, General Education Curriculum
1966-69 Hereford High School, Baltimore County, Maryland Business, Architectural Pilot Curriculum

Professional Experience

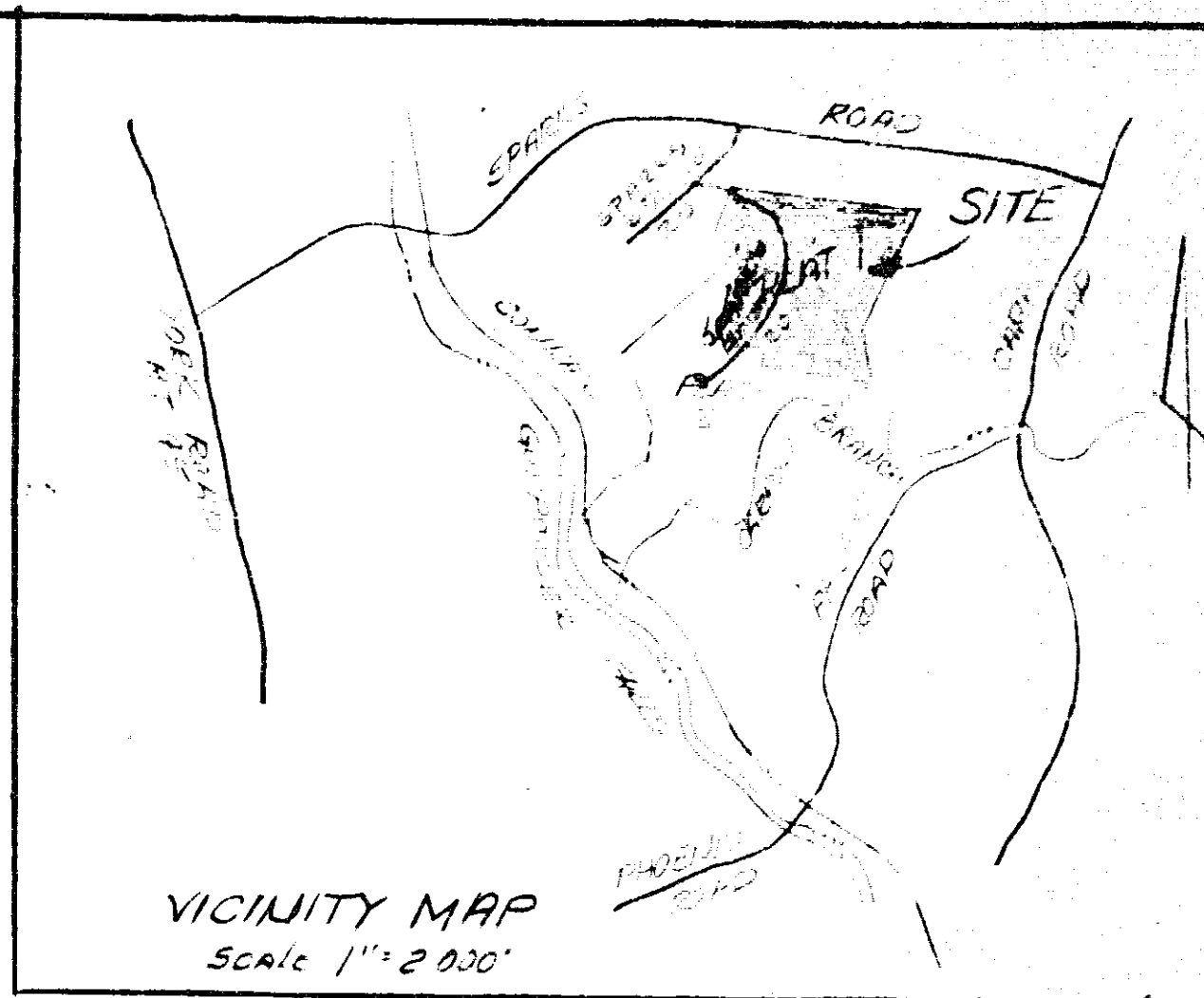
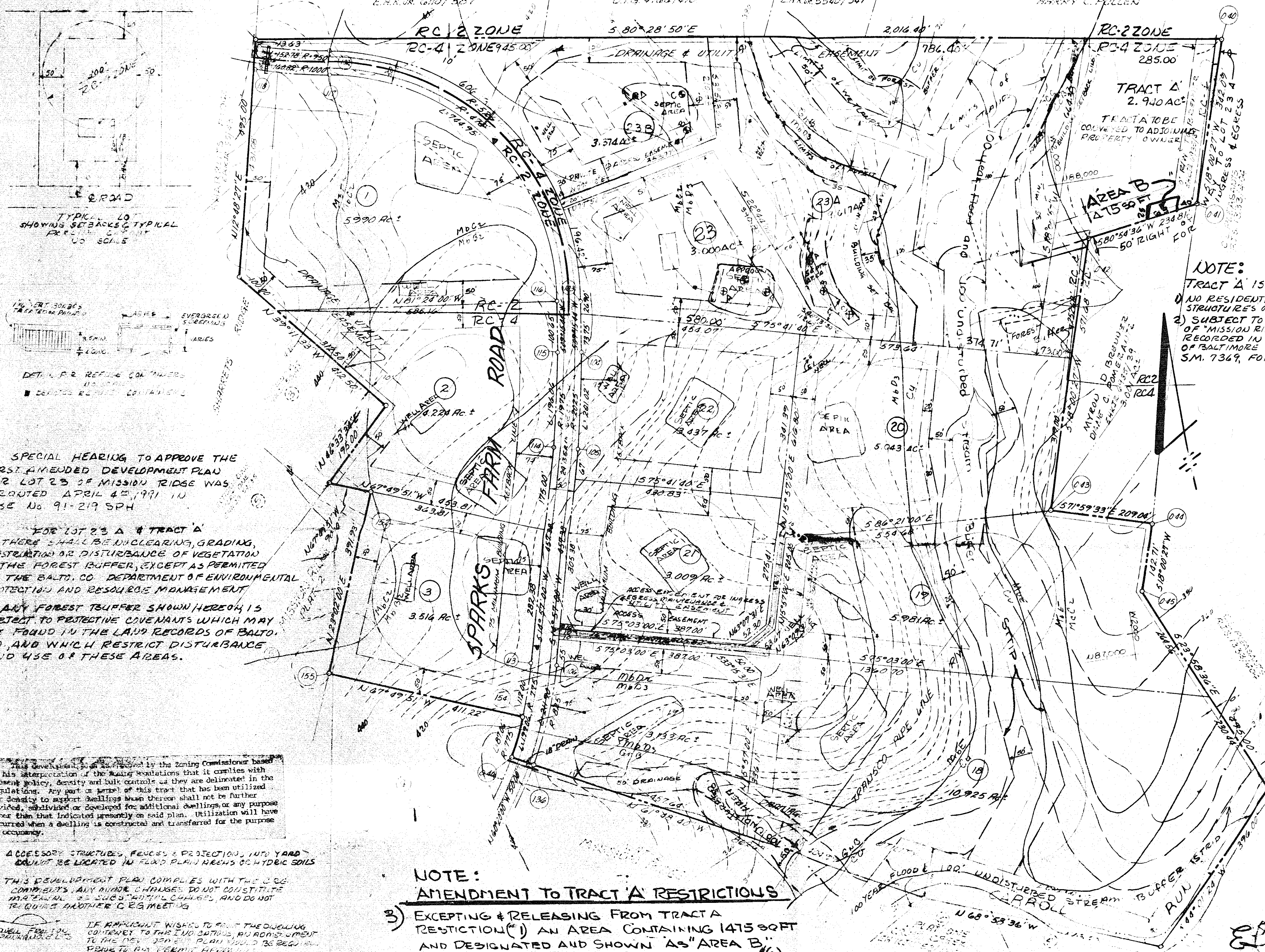
1989-Present Principal, Burton Associates Architects, Inc. Responsible for administration, design, and production of a full service architectural firm serving commercial, developer, private, institutional, and government clients through a wide variety of building and project types.
1987-1989 Project Manager, Marshall Craft Associates, Inc., Architects, Baltimore, Maryland. Responsible for project management of various building types including speculative office buildings, mixed-use high rise structures, conference centers, various college campus buildings, an historic school restoration/rehabilitation, retail business service centers, custom residences, multiple open-ended projects with government entities. Responsible for marketing, contract negotiation, programming, design, production, construction administration and supervision of support staff.
1985-1987 Project Architect, Robert T. Hofmann & Associates, Architects, Towson, Maryland. Responsible for project management of various building types including shopping centers, office buildings, industrial and professional user buildings, research and development and warehouse shell structures, for all phases of service from programming through construction. Additional responsibilities included management of all space planning and tenant improvement services for the firm. Duties included supervision of in-house production staff, client consultation and contract negotiations, field surveys, design, presentations, construction documents and construction administration.

DOUGLAS L. KENNEDY, P.E.

ADDRESS: 3104 Timanus Lane, Suite 101
Baltimore, Maryland 21244
POSITION: Vice-President of KCW Consultants, Inc.,
civil engineering and land surveying firm employing 50 personnel
with offices in Baltimore and Easton, MD.
REGISTRATION: Professional Engineer #10748
Maryland, 1977
EDUCATION: B.S. in Civil Engineering, 1971
North Carolina State University
MEMBER: American Society of Civil Engineers
Home Builders Association of Maryland
EXPERIENCE:
1971-1973 Baltimore County Bureau of Engineering
Design engineer involved in the design and coordination of capital
improvement projects to include roads, storm drains, sanitary
sewers, water mains, field experience in highway inspection, utility
inspection and materials testing laboratory.
1973-1978 Baltimore County Bureau of Engineering
Storm Drain Design Section
Project engineer involved in the design of capital improvement storm
drain projects; field investigation of drainage complaints from citizens;
analysis of existing closed and open storm drainage systems; TR-20
hydrology; HEC-2 floodplain delineation.
1978-1979 Self Employed Consulting Engineer
General civil engineering services and stormwater amangement
facility design for land development and municipal engineering
projects.
1979-1993 KCW Consultants, Inc.
Civil Engineers and Land Surveyors
Baltimore, Maryland 21244
Principal responsible for engineering design, coordination and
planning of various municipal projects and residential, commercial
and industrial land development projects to include storm drainage,
floodplains, stormwater management, water quality management,
grading, erosion and sediment control and coordination with
environmental consultants.



Pet Ex #3



NOTE:
TRACT A IS RESTRICTED TO:
1. NO RESIDENTIAL OR COMMERCIAL STRUCTURES OR DEVELOPMENT
2. SUBJECT TO THE DECLARATION OF "MISSION RIDGE" RESTRICTIONS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER S.M. 7349, FOLIO 649

DENSITY CALCULATIONS

ZONE	ACRES	PERMITTED	SHOWN
RC-2 ZONE	285.00	11.93	11
TRACT A	2.940	13.9	14
TOTAL PERMITTED		27.83	26

THIS PLAT SHOWS 12 LOTS & TRACT A

SPECIAL HEARING TO APPROVE THE FIRST AMENDED DEVELOPMENT PLAN FOR LOT 23 OF MISSION RIDGE WAS GRANTED APRIL 25, 1991 IN CASE NO. 91-219 SPH

FOR LOT 23 & TRACT A
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER, EXCEPT AS PERMITTED BY THE BALTO. CO. DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

ANY FOREST BUFFER SHOWN HEREON IS SUBJECT TO RESTRICTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTO. CO. AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

THIS DEVELOPMENT PLAN COMPLIES WITH THE ZONING COMMISSIONER'S BASED ON HIS INTERPRETATION OF THE BALTO. CO. ZONING REGULATIONS THAT IT COMPLIES WITH PRESENT POLICY, DENSITY AND BUILD CONTROLS AS THEY ARE DELINEATED IN THE REGULATIONS. ANY PART OF THIS TRACT THAT HAS BEEN UTILIZED FOR DENSITY TO SUPPORT DWELLINGS THEREON SHALL NOT BE FURTHER DIVIDED, SUBDIVIDED OR DEVELOPED FOR ADDITIONAL DWELLINGS OR ANY PURPOSE OTHER THAN THAT INDICATED PRESENTLY ON THIS PLAN. UTILIZATION WILL HAVE OCCURRED WHEN A DWELLING IS CONSTRUCTED AND TRANSFERRED FOR THE PURPOSE OF OCCUPANCY.

ACCESSORY STRUCTURES, FENCES & PROJECTIONS INTO YARD CANNOT BE LOCATED IN FLAT PLAIN AREAS OF HYDRIC SOILS

IF APPLICABLE WISHER TO PERMIT THE DWELLING CONVEYED TO THIS INDICATED PURCHASEMENT IN THE DEVELOPMENT PLAN SHOULD BE REQUIRED PRIOR TO ANY PERMIT APPLICATION

NOTE:
AMENDMENT TO TRACT A RESTRICTIONS

3) EXCEPTING & RELEASING FROM TRACT A RESTRICTION (1) AN AREA CONTAINING 1475 SQ FT AND DESIGNATED AND SHOWN AS "AREA B" SAID AREA IS EXCEPTED FROM RESTRICTION (1) FOR THE SOLE PURPOSE TO PERMIT THE CONSTRUCTION OF A RESIDENTIAL ADDITION TO AN ADJACENT EXISTING DWELLING

THOMAS L. PITTMAN

REASON FOR 2ND AMENDED DEVELOPMENT PLAN
TO AMEND TRACT A RESTRICTION (1) IN ORDER THAT AREA B MAY BE USED TO EXPAND THE EXISTING ADJACENT RESIDENTIAL DWELLING RESULTING IN NO LOSS IN DENSITY UNITS FOR THE AMENDED PLAT 1 MISSION RIDGE (SM 63/117)

- GENERAL NOTES**
- Private septic & wells shall be installed in accordance with Balto. Co. Health Dept. Regulations.
 - There shall be two offstreet parking spaces provided for each lot constructed with macadam surface.
 - Locations of drives and parking to be determined by the location of residence and paved with macadam.
 - There shall be no grading of the entire site; only minimum grading shall be performed as required for the construction of homes and drives on any lot.
 - There shall be no cutting of trees and shrubs from any lot. Only dead, damaged or trees necessary for the construction of homes and drives are to be removed.
 - All lots are to be sold.
 - Maximum building height of any structure is 35'.
 - Major vegetation is to be maintained.
 - No open space is required.
 - Contours shown are from BALTO. CO. PHOTOGRAMMETRICS
 - Minimum building setbacks required:
a. 100' from E of street and not less than 75' from street R/W.
b. Minimum of 50' side yard.
c. Minimum of 50' rear yard.
 - Lot dimensions and acreage as shown are approximate and are substantially in accordance with the plat.
 - The Owner reserves the right to redivide any lot in compliance with all applicable regulation and to create and realign all establish maintenance agreements for individual lots & UTILITY EASEMENTS.
 - Refuse collection, snow removal and road maintenance are provided to the junction of the panhandle lot and the street R/W and not on the panhandle lot driveway.
 - Envelopes shown hereon are for the location of all principle buildings only. Accessory structures, fences and projections must comply with Section 301 of the Balto. Co. Zoning Regulations (subject to covenants and applicable building permits).
 - The Architectural Review Committee for "MISSION RIDGE", reserves the right to orient the house location on each lot.
 - Planting on each lot to be provided by the owner of the lot.
 - Panhandle drive to be 50' from property line.
 - Panhandle drive to be paved with macadam, 16' wide
 - Refuse collection by Balto. Co. (approximate location).
 - The lots shown hereon are sold subject to certain covenants and restrictions of public record.
 - No more than 10% of the lot may be covered with IMPERMEABLE SURFACE.
 - A.D.T. = 12' x 20' LOTS = 248
 - Denotes trash and mailer containers.
 - C.R.G. approval date, 7/10/86
 24. HOUSE LOCATIONS SHOWN ARE PRELIMINARY ONLY AND RELOCATION OR MODIFICATION WITHIN THE BUILDING EASEMENTS, EXCEPT AS AN AMENDMENT TO THE DEVELOPMENT PLAN.

OFFICE OF PLANNING & ZONING
APPROVED BY _____
DATE _____

DIRECTOR OF PLANNING _____
DATE _____

ZONING COMMISSIONER _____
DATE _____

2ND AMENDED DEVELOPMENT PLAN
AMENDED PLAT-1
MISSION RIDGE

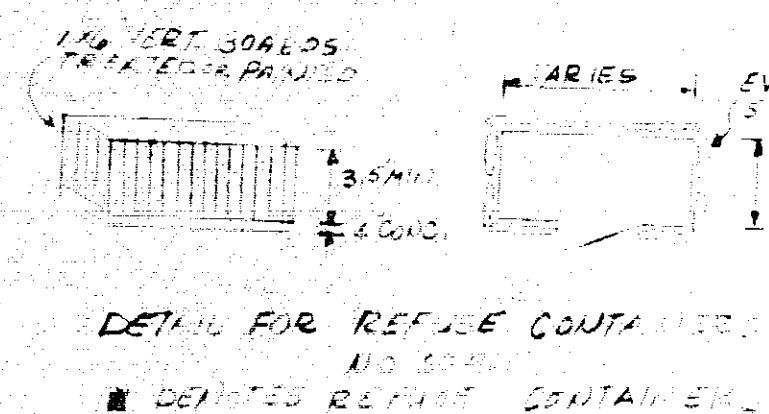
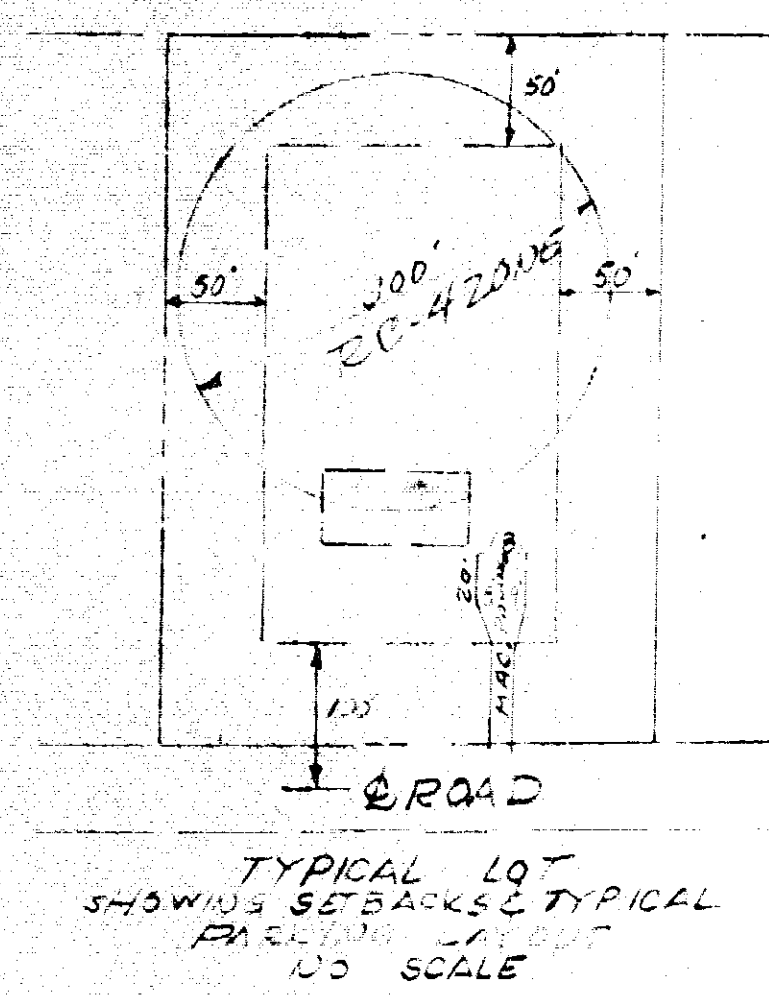
10" ELECT. DIST.
SCALE 1"=100'

BALTO. CO. M.D.
FEB. 16, 1990
REV. 4/25/91

F.F. RAPHAEL & ASSOC.
REG. PROF. LAND SURVEYORS
205 COURTLAND AVE. TOWSON, MD 21204
822-3708

REV. 5/14/91, MEATH LET
REV. 6/2/91 DEP. RM-10
REV. 8/11/91 DEP. TOWN

2112



SPECIAL HEARING TO APPROVE THE
FIRST AMENDED DEVELOPMENT PLAN
FOR LOT 23 OF MISSION RIDGE WAS
HELD APRIL 4, 1991 IN
CASE NO. 91-219 SPH

FOR LOT 23 & TRACT A
THERE SHALL BE NO CLEARING, GRADING,
CONSTRUCTION OR DISTURBANCE OF VEGETATION
IN THE FOREST BUFFER, EXCEPT AS PERMITTED
BY THE BALTO. CO. DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

ANY FOREST BUFFER SHOWN HEREON IS
SUBJECT TO PROTECTIVE COVENANTS WHICH MAY
BE FOUND IN THE LAND RECORDS OF BALTO.
CO. AND WHICH RESTRICT DISTURBANCE
AND USE OF THESE AREAS.

This development plan is approved by the Zoning Commissioner based
on his interpretation of the Zoning Regulations that it complies with
present policy, density and bulk controls as they are delineated in the
Regulations. Any part or parcel of this tract that has been utilized
for density to support dwellings shown thereon shall not be further
divided, subdivided or developed for additional dwellings or any purpose
other than that indicated presently on said plan. Utilization will have
occurred when a dwelling is constructed and transferred for the purpose
of occupancy.

ACCESSORY STRUCTURES, FENCES & PROTECTION, INTO YARD
CANNOT BE LOCATED IN FLOOD PLAIN AREAS 20' HIGHER SOILS

THIS DEVELOPMENT PLAN COMPLIES WITH THE ZONING
COMMISSION'S. ANY FUTURE CHANGES TO THE ZONING
COMMISSION'S. ANY FUTURE CHANGES TO THE ZONING
COMMISSION'S. ANY FUTURE CHANGES TO THE ZONING

IF APPLICABLE, WISH TO PERMIT THE DOWNSIDE
CONTRIBUTION TO THE INDUSTRY, BUSINESS, AND
TO THE DEVELOPMENT PLAN SHOULD BE REVIEWED
BEFORE THE PERMIT APPROVAL

OWNER / DEVELOPER
PHILIP INVESTMENT CO.
5922 L. AVE.
MONTGOMERY MD 20811
301-472-4194

NOTE: AMENDMENT TO TRACT A RESTRICTIONS

- EXCEPTING & RELEASING FROM TRACT A
RESTRICTION (1) AN AREA CONTAINING 1475 SQFT
AND DESIGNATED AND SHOWN AS "AREA B".
SAID AREA IS EXCEPTED FROM RESTRICTION (1)
FOR THE SOLE PURPOSE TO PERMIT THE
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THOMAS L. PITTMAN

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NOTE:

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STRUCTURES OR DEVELOPMENT
2. SUBJECT TO THE DECLARATION
OF "MISSION RIDGE" RESTRICTIONS
RECORDED IN THE LAND RECORDS OF
BALTIMORE COUNTY IN LIBER
SM. 7369, FOLIO 649
3. SEE AMENDMENT NOTE 1
4. NOT MORE THAN ONE DWELLING
UNIT IS PERMITTED ON THE COMBINED
LOT RESULTING FROM THE JOINT
OWNERSHIP OF TRACT A AND THE
ADJOINING (NOW BRENNER-POMERANTZ)
PROPERTY

DENSITY CALCULATION		
TRACT A	285.00	
TRACT B	1475.00	
TRACT C	1475.00	
TRACT D	1475.00	
TRACT E	1475.00	
TRACT F	1475.00	
TRACT G	1475.00	
TRACT H	1475.00	
TRACT I	1475.00	
TRACT J	1475.00	
TRACT K	1475.00	
TRACT L	1475.00	
TRACT M	1475.00	
TRACT N	1475.00	
TRACT O	1475.00	
TRACT P	1475.00	
TRACT Q	1475.00	
TRACT R	1475.00	
TRACT S	1475.00	
TRACT T	1475.00	
TRACT U	1475.00	
TRACT V	1475.00	
TRACT W	1475.00	
TRACT X	1475.00	
TRACT Y	1475.00	
TRACT Z	1475.00	

GENERAL NOTES

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with macadam surface.
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- There shall be no grading of the entire site; only minimum grading shall be
performed as required for the construction of homes and drives on any lot.
- There shall be no cutting of trees and shrubs from any lot. Only dead, damaged
or trees necessary for the construction of homes and drives are to be removed.
- All lots are to be sold.
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- Major vegetation is woods & field.
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of the Balto. Co. Zoning Regulations (subject to covenants and applic-
able building permits.)
- The Architectural Review Committee for "MISSION RIDGE", reserves the right
to orient the house location on each lot.
- Planting on each lot to be provided by the owner of the lot.
- Front of houses to be 50' from property lines.
- Panhandle drive to be paved with macadam, 16' WIDE
- ▲ Fence approved street lights by Balto. Co. (approximate location).
- Refuse collection by Balto. Co.
- The lots shown hereon are sold subject to certain covenants and restrictions
of public record.
- No more than 25% of the lot may be covered with IMPERMEABLE SURFACE.
- A.D.T. 12-11-24 10:30-2:30
- ▲ Houses trash and mailboxes.
- G.R.D. approval date 7/10/86
- ▲ HOUSE LINES SHOWN ARE
APPROXIMATE. ANY REVISIONS
SHOULD BE MADE BEFORE THE
APPROVAL OF THE DEVELOPMENT
PLAN.

EDGill CHRENS ET AL

OFFICE SEPARATING ZONING
APPROVED BY
DIRECTOR OF PLANNING DATE
ZONING COMMISSIONER DATE

2ND AMENDED DEVELOPMENT PLAN MISSION RIDGE

10" ELECT. DIST.
SCALE 1"=100'
BALTO. CO. M.D.
AUG. 11, 1991
REV. MARCH 4, 1993
E.F. RAFFERTY & ASSOC.
REG. PROFESSIONAL SURVEYORS
205 SOUTH LANE AVE. WILMINGTON, DE 19801

HEARING FILE # 2112